

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18**

**WONDERSTATE MILWAUKEE, LLC
d/b/a WONDERSTATE COFFEE¹**

Employer

and

**TEAMSTERS LOCAL 344, SALES AND
SERVICE INDUSTRY**

Petitioner

Case 18-RC-266793

DECISION AND DIRECTION OF ELECTION

Petitioner seeks to represent a unit of all full-time and regular part-time employees employed by the Employer, including the positions of barista, cashier,² kitchen staff, kitchen lead, and bar lead.

The unit sought by the Petitioner includes one kitchen lead and one bar lead.³ The only issue raised by the parties is whether the leads are statutory supervisors as defined by Section 2(11) of the Act. The Employer contends that the leads are supervisors given their authority to assign and responsibly direct the work of employees using independent judgment; their involvement in discipline including effectively recommending discipline of other employees; their involvement in hiring and discharge including new-hire training resulting in effectively recommending continued hiring or discharge of other employees; and other secondary indicia of supervisory status. Petitioner denies that the leads possess any indicia of supervisory authority. Based on the record and relevant Board cases, I find that the Employer has not satisfied its burden of proof regarding the leads. As such, I conclude the leads are not statutory supervisors and are eligible to vote. They do not exercise authority in the interest of the Employer requiring the use of independent judgment to assign, responsibly direct, discipline, hire or discharge, or effectively recommend the discipline, hiring or firing or of other employees required for a finding of supervisory status, and their role in training and evaluating other employees' performance does not affect the job status or tenure of other employees.

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Based on the record in this proceeding, I find:

¹ The Employer's name appears as amended by stipulation of the parties.

² Cashiers are also referenced as customer service representatives.

³ Collectively referred to as the leads.

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it would effectuate the purposes of the Act to assert jurisdiction herein.⁴
3. Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. There is no collective-bargaining agreement in effect covering any of the individuals in the petitioned-for unit and, therefore, no contract exists barring consideration of the instant petition.
6. The parties have stipulated that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time employees employed by the Employer's café currently located at 232 E. Erie St., Milwaukee, Wisconsin 53202.

Excluded: Café coordinator, managerial employees, confidential employees, guards and supervisors as defined by the Act.

FACTS

A. The Employer's Operations

The Employer operates several cafés⁵ including a specialty retail coffee café in Milwaukee, Wisconsin. It also operates a coffee roasting company in Viroqua, Wisconsin where a number of management offices are located. T.J. Semanchin is the President of the Employer. General Manager Bobbi Griffin works in Viroqua and manages all the cafés – she reports directly to Semanchin and periodically travels among the individual cafés. Culinary Manager Allison Sandbeck assists the cafés with food programs and reports directly to Griffin – like

⁴ The parties stipulated that the Employer, a Wisconsin limited liability corporation, is engaged in the business of specialty coffee and goods sales from its retail café location in Milwaukee, Wisconsin, with its affiliate, Wonderstate Coffee, LLC, located in Viroqua, Wisconsin. In conducting its operations over the past calendar year, the Employer derived gross revenues in excess of \$500,000. During the same period, the Employer purchased and received at its Milwaukee, Wisconsin facility products, goods and materials valued in excess of \$5,000 from locations inside the State of Wisconsin, who, in turn, received those goods from outside the State of Wisconsin.

⁵The record does not state the number of the Employer's other locations. There are record references that appear to refer to additional café locations in Viroqua, Wisconsin; Madison, Wisconsin; and Bayside, Wisconsin.

Griffin, she works in Viroqua and periodically travels among the individual cafés.⁶ Recently, in about September to October 2020,⁷ Sandbeck became involved with the Milwaukee café when it developed and launched a new extended menu food program beyond its existing bakery-only menu. Scott Lucey is a co-owner and former Manager of the Milwaukee café, and current Coffee Manager of the roasting company in Viroqua.⁸ Until about August 2020, Lucey was primarily in charge of the Milwaukee café and spent all his time working there. Since August 2020, Lucey has phased out of the Milwaukee café and transitioned to his management role at the roasting company in Viroqua. Café Coordinator Gabby Beesley co-managed the Milwaukee café with Lucey from the time she assumed the Café Coordinator position⁹ until Lucey phased out of the café after which, Beesley became primarily in charge of the Milwaukee café. Beesley reports directly to Griffin. All seven of the petitioned-for employees that work at the Milwaukee café report to Beesley:¹⁰ this includes two leads; one kitchen employee; three baristas; and one cashier.

The café opens at 7:00 a.m. All scheduled café staff generally report to work at 6:30 a.m. The record is unclear regarding the full hours of operation at the Milwaukee café. Kitchen staff report to the kitchen, known as “the back of the house,” to prepare baked goods and other food items for the day. Bar staff (baristas and cashiers) report to the coffee bar/café, known as “the front of the house,” to prepare to serve customers coffee drinks and food. On average, at any time, there are two to three employees from varying combinations of the bar lead, baristas and cashiers in the front of the house and one employee, either the lead or kitchen staff, in the back of the house. The record indicates that the two kitchen staff employees (one kitchen lead and one kitchen employee) are scheduled to work different days in the kitchen – the kitchen lead works Thursday to Saturday and the kitchen employee works Sunday to Wednesday.¹¹

B. Café Coordinator and leads

Before December 2019, former Café Manager Lucey was the sole manager of Milwaukee café. In December 2019, the Employer created the positions of kitchen lead and bar lead and in January, it created the position of Café Coordinator. General Manager Griffin was in charge of developing and introducing this new leadership structure at the Milwaukee café as well as other cafés operated by the Employer and establishing the job duties and responsibilities of the new positions. Lucey was responsible for hiring the new positions at the Milwaukee café. Lucey hired Stephany Achter, a former barista and the most senior (three-year café employee), as the bar lead in December 2019. At the same time, Lucey hired Molly Kiefer, a former kitchen

⁶ Without detail, the record also indicates that Sandbeck works and is a part owner of the roasting company and/or café in Viroqua.

⁷ All dates are in 2020 unless otherwise noted.

⁸ Without detail, the record also indicates Lucey currently manages three other Employer cafes including one in the Madison, Wisconsin area.

⁹ The record is unclear whether Beesley became the Café Coordinator at the time the position was created in January or some time thereafter.

¹⁰ The parties stipulated that Beesley is a supervisor within the meaning of Section 2(11) based on her authority to hire and fire other employees.

¹¹ There is also some limited record evidence without detail that recently the kitchen staff schedules were adjusted to provide some overlap between kitchen lead Kiefer and kitchen employee Wiberg so that Kiefer could oversee Wiberg in the kitchen.

employee/baker (originally hired about August 2018) as the kitchen lead. Gabby Beesley was hired as the Café Coordinator – the record is unclear as to the timing of her hiring and whether she was employed in another position at the time of hire.¹² The Employer created job descriptions for each lead position at the time the positions were created. Recently in October, the lead job descriptions were amended. The Employer introduced the amended job descriptions into the record and claims they were issued to the leads at the time of amendment in October. While the leads did not dispute that they received a job description in October, one lead testified the version she received was not the amended version in the record and the record is unclear as to which version the other lead received. With the creation of these lead and Café Coordinator positions, the Employer intended for Café Coordinator Beesley and Manager Lucey to be in charge of the entire café of seven employees; the bar lead to oversee four employees (three baristas and one cashier) in the coffee bar/front of the house; and the kitchen lead to oversee one kitchen employee in the kitchen/back of the house.

1. Café Coordinator – Duties and Terms and Conditions

As noted, Café Coordinator Gabby Beesley co-managed the Milwaukee café with Lucey from the time of her hire until about August when Lucey phased out of the café and transitioned to Viroqua. Beesley then became primarily in charge of the Milwaukee café. Beesley is responsible for the hiring and scheduling of all café employees. She also trains new employees regarding employee policies and procedures as set forth in the employee handbook and she is, in part, responsible for approving new coffee and food products. The record indicates that Beesley also reviews and approves some purchase orders for café supplies. Beesley earns \$13.50 per hour and is regularly scheduled to work 40 hours per week. The record is unclear regarding her hours of work.

2. Bar lead – Duties and Terms and Conditions

Bar lead Stephany Achter is regularly scheduled to work 35 hours per week – she spends 31 hours performing primarily barista duties and four hours performing lead administrative duties.¹³ She also performs cashier duties as needed. Barista duties include making coffee drinks and preparing food items and cashier duties including cashing customers out. As a bar lead, Achter oversees the general operations of the front of the house including the work of the baristas and cashiers and provides feedback on staff to management as requested. She instructs the baristas regarding new seasonal drinks being rolled out and how to make them; she also advises the cashiers as to new drink prices. In collaboration with kitchen lead Kiefer, Achter instructs the baristas and cashiers regarding food-related issues such as the contents of the extended food menu recently introduced at the Milwaukee café, as further described below, as well as coordinating food delivery between the kitchen and the front of the house. Achter also trains newly hired baristas and cashiers as further described below.

¹² There is some record evidence without detail that a former Café Coordinator named Megan preceded Beesley.

¹³ Until recently, Achter performed her administrative duties remotely due to the COVID-19 pandemic.

Achter's administrative duties include managing and ordering coffee supplies and researching, developing and testing coffee recipes for new seasonal¹⁴ coffee drinks. Achter is authorized to use the Employer's credit account to order and purchase coffee supplies. Achter reviews her purchase orders and brings any discrepancies, such as overcharges, to the attention of upper management. Achter has created recipes for seasonal coffee drinks such as "the hopscotch" and "the frostbite." She routinely asks other café staff, especially baristas, for suggestions and recommendations for new seasonal drinks. In creating and developing drinks, Achter must be mindful of ingredients and drink weights to the extent they factor into cost analysis and stay within standards established by the Employer. Until recently, all new drinks were approved by Lucey.¹⁵ In about July 2020, Achter drafted "Tips for De-Escalating a Conflict Situation in the Café" along with "Resources to Utilize When You Need Additional Support" and transmitted them via email to Beesley and Lucey who transmitted them to Griffin. The record is unclear as to whether someone requested Achter to draft these documents and why, or whether she initiated such action as part of her administrative duties. Although there is some record evidence that the de-escalation documents drafted by Achter were transmitted to the Employer's Human Resources department¹⁶ for consideration of being included in the Employer's formal policies and procedure, there is no evidence that these documents have been officially integrated as such to date.

Achter's current wage rate as bar lead is \$13.50 per hour which is about \$1.00 to \$3.00 per hour more than the hourly wage rate of the baristas, depending on their seniority. When performing barista and cashier duties, Achter is eligible to earn tips like the other front-of-the-house employees.

3. Kitchen lead – Duties and Terms and Conditions

Kitchen lead Molly Kiefer is regularly scheduled to work 32 hours per week. As noted, she works Thursday to Saturday in the kitchen. She also works on Wednesdays partly as a cashier in the front of the house and partly performing four hours of lead administrative duties.¹⁷ Kiefer's kitchen duties consist of baking baked goods and preparing other food items. As kitchen lead, Kiefer oversees the general operations of the kitchen/back of the house including the work of kitchen employee Elisa Wiberg and provides feedback to management as requested. She instructs and trains Wiberg regarding new and seasonal food items being rolled out and how to make them. Most kitchen tasks are routine and self-directed with pre-printed recipes arranged in a master cookbook – kitchen employees decide what food items to make and bake by checking existing supply levels in the kitchen and the front of the house. Kiefer has also provided training to Beesley regarding kitchen operations and duties in the event of both kitchen employees being absent from work. Kiefer has also provided guidance and instruction to front-of-the-house staff regarding food-related issues such as the contents of the extended food menu recently introduced at the Milwaukee café, as further described below, as well as coordinating food delivery between

¹⁴ The Employer offers specialized seasonal menus for coffee drinks, baked goods and other food items.

¹⁵ Lucey testified the Employer is currently practicing more of delegation to Beesley, Kiefer, and Achter, but did not provide any additional information on the specifics of how this delegation worked.

¹⁶ Sarah Hunt, the Employer's HR Director, is directly affiliated with the Employer's roasting company in Viroqua, and works in the Madison area.

¹⁷ Like Achter, until recently, Kiefer performed her administrative duties remotely due to the COVID-19 pandemic.

the kitchen and the front of the house. There is some limited record evidence that since becoming kitchen lead, Kiefer trained one newly hired kitchen employee who is no longer employed at the café.¹⁸ As Kiefer and Wiberg were both hired in as kitchen employees at the same time, Kiefer was not involved in the new-hire training of Wiberg.

Kiefer's administrative duties include primarily managing and ordering food and kitchen supplies. Like Achter, Kiefer is authorized to use the Employer's credit account to order and purchase supplies which have been subject to review and approval by Lucey. In about February, as part of her administrative duties, Kiefer created a "bakery waste spreadsheet" to address issues of bakery waste in the kitchen in relation to ordering more accurate supplies and having a more efficient bakery production schedule. Kiefer shared the information contained in the spreadsheet with the two kitchen employees employed at that time.¹⁹ To a lesser extent than Achter's involvement in creating new seasonal drinks as described above, Kiefer has likewise been involved in developing and testing recipes for new seasonal food items as part of her lead administrative duties. For example, when Lucey was the Manager, Kiefer created an idea and recipe for a carrot tahini muffin – Lucey refined her idea and ultimately approved a final recipe. Recently in about October, the Employer introduced an extended food menu beyond just baked goods to many of its cafés. Culinary Manager Sandbeck has been in charge of launching the new food program and has visited the Milwaukee café on a number of occasions to work with Kiefer to launch the new menu there. Specifically, Sandbeck and Kiefer have worked together in developing new food and snack items to introduce to café customers such as sandwiches, deviled eggs and cabbage slaw. Sandbeck has instructed Kiefer on all issues related to food preparation. Sandbeck has directed Kiefer on how to instruct Wiberg regarding food preparation and how to coordinate the launching of the new menu with bar lead Achter and other café staff. Sandbeck has instructed Kiefer to consult with her regarding any issues that arise related to the new food program. Recently, Kiefer received "SafeServe" food safety training and certification from the State of Wisconsin Department of Agriculture, Trade and Consumer Products. This training and certification is related to restaurant food preparation and safety and food safety regulations.²⁰

Kiefer was hired as a kitchen employee at \$10.00 per hour in about August 2018; she also performed some limited barista and cashier duties. In about September 2019, she received a raise to \$11.50 when working in the kitchen and to \$10.50 when working in the front of the house. In December 2019 when she became a kitchen lead, she received a raise to \$12.50 per hour and currently earns this wage rate to date. Kiefer's job description also notes she is currently eligible to earn tips.

4. The leads – Hiring, Discipline and Secondary Indicia

There is no record evidence that the leads have directly hired or discharged other employees. As noted, the leads are involved in training newly hired employees and providing feedback about their performance progress to management. There is limited record evidence

¹⁸ The record is silent as to the time period of this kitchen employee's employment as well as the circumstances of her departure.

¹⁹ The actual spreadsheet was not entered into the record.

²⁰ Lucey also held SafeServ certification when he worked at the Milwaukee café.

regarding kitchen lead Kiefer's training of newly hired employees as noted above. There is one example in the record regarding bar lead Achter's training of a newly hired barista who shadowed Achter for about three to four weeks in the front of the house before being assigned to independent shifts. Achter advised Lucey via email regarding her thoughts on the new barista and his progress in training. Lucey, on his own, also observed and provided feedback regarding the barista trainee's performance.

There is no record evidence that the leads have issued any discipline to other employees. As noted, the leads oversee café employees to ensure that café rules and standards are being followed and have provided feedback to upper management regarding the deficient performance of other employees. There is one example in the record regarding kitchen lead Kiefer's feedback related to kitchen employee Wiberg's performance. In this matter, the record notes that Wiberg's performance issues started soon after her August 2018 hiring. At the request of Lucey, Kiefer provided feedback on Wiberg's performance issues which were mostly related to inefficiency and time management. At one point, Lucey appears to have placed Wiberg on a performance plan.²¹ More recently, Kiefer has provided performance feedback to management about Wiberg in relation to the new extended menu food program introduced by Culinary Manager Sandbeck. In this regard, Kiefer as well as Café Coordinator Beesley have received guidance from Sandbeck about brainstorming ways to train Wiberg and improve her performance. Kiefer's feedback about Wiberg's performance has not resulted in the issuance of any discipline or other adverse action to Wiberg nor has it been incorporated into any of her employee performance reviews.

General Manager Griffin has held weekly "leadership team" (LT) meetings with Lucey and/or Beesley to discuss café issues related to hiring, scheduling, employee performance/review, and product development. The leads have not attended any LT meetings to date. The Employer intends for the leads to attend one LT meeting per month. In August 2020, General Manager Griffin held a virtual Google meeting with Culinary Manager Sandbeck, Lucey, Beesley, Achter and Kiefer. The purpose of this meeting was to discuss the leadership structure of the Milwaukee café and reclarify leadership positions. In October 2020, General Manager Griffin held an in-person meeting at the Milwaukee café with Sandbeck, Lucey, Beesley, and Kiefer. The purpose of this meeting was to discuss the launching of the new food program and kitchen lead Kiefer's responsibility to train kitchen employee Wiberg regarding the extended café menu, oversee her performance, and provide feedback on her performance. There are times when the leads are the highest-ranking officials on café premises as well as occasions when the other petitioned-for employees are left without any supervision at the café.

C. The other Café employees – Duties and Terms and Conditions

The baristas and cashiers work at the front of the house. Barista duties include making coffee drinks using café coffee makers and espresso machines and preparing food items. Cashier duties include completing sales transactions with customers using café cash registers. Baristas and cashiers are also involved in food service duties for customers and use café ovens as

²¹ This performance plan appears to have been put in place in 2018 before Kiefer became a lead, and in any event, there is no record evidence that Kiefer had any input regarding this plan.

needed.²² The kitchen employees work in the kitchen baking baked goods and preparing food items as noted above. They use basic kitchen appliances and utensils to perform their duties. The employees interact with each other regarding food service and delivery to the customers.

As noted, there are about one to two baristas and cashiers scheduled to work in the café at a time. The record does not provide details about their scheduled hours of work except that they generally report to work at 6:30 a.m. as noted. The starting wage for baristas is approximately \$10.00 per hour, plus tips. The record is silent regarding the cashier wage rate. As noted, kitchen employee Wiberg is scheduled to work Sunday to Wednesday. Without noting her current wage rate, the record indicates that Wiberg's starting wage was \$10.00 per hour. There is no record evidence that any of the café employees receive benefits or are subject to a performance evaluation procedure.

ANALYSIS

A. The Applicable Legal Standard

Section 2(11) of the Act defines a supervisor as:

Any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

Accordingly, under Section 2(11), individuals are deemed to be supervisors if they have authority to engage in any one of the above Section 2(11) indicia; their exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment; and their authority is held in the interest of the employer. See, *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 712–13 (2001) (citing *NLRB v. Health Care & Retirement Corp. of America*, 511 U.S. 571, 573–74 (1994)).

Section 2(11)'s definition is read in the disjunctive, and thus, the Board considers possession of any one of its enumerated powers, if accompanied by independent judgment and exercised in the interest of the employer, sufficient to confer supervisory status. *Kentucky River*, 532 U.S. at 713. Supervisory status may likewise be established if the individual in question has the authority to effectively recommend one of the powers. See, *Children's Farm Home*, 324 NLRB 61, 65 (1997). The Board has held that an effective recommendation requires the absence of an independent investigation by superiors and not simply that the recommendation be followed. *Id.*

²² The record is unclear whether the baristas and cashiers use ovens or microwave ovens in the front and/or back of the house.

The burden of proving supervisory status rests on the party asserting that status. See, *Kentucky River*, 532 U.S. at 711; *Oakwood Healthcare, Inc.*, 348 NLRB 686, 687 (2006). Since supervisors are excluded from the Act's protection, the Board has been careful to avoid construing the statutory language too broadly. *Avante at Wilson, Inc.*, 348 NLRB 1056, 1058 (2006) (citing *Oakwood Healthcare, Inc.*, 348 NLRB at 686). The Board requires supervisory status be established by a preponderance of the evidence. *Dean and DeLuca New York, Inc.*, 338 NLRB 1046, 1047 (2003). Lack of evidence is construed against the party asserting supervisory status. *Id.* at 1048.

To meet this standard, the party bearing the burden must establish that an individual "actually possesses" a supervisory power; mere inferences or conclusory statements of such power are insufficient. See, *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006). Moreover, where evidence is in conflict or otherwise inconclusive for a particular Section 2(11) indicium, the Board will decline to find supervisory status for that indicium. See, *Dole Fresh Vegetables, Inc.*, 339 NLRB 785, 793 (2003). Accordingly, job titles, job descriptions, or similar documents are not given controlling weight and will be rejected as mere paper, absent independent evidence of the possession of the described authority. *Golden Crest*, 348 NLRB at 731 (citing *Training School at Vineland*, 332 NLRB 1412, 1416 (2000)).

Indicia other than those enumerated in Section 2(11) of the Act are secondary indicia. Although secondary indicia may be considered in determining supervisory issues, they are not dispositive. In the absence of one of the enumerated primary indicia, secondary indicia, standing alone, are insufficient to establish supervisory status. *St. Francis Medical Center-West*, 323 NLRB 1046 (1997).

B. Application of Legal Standard

There is no claim or record evidence that the leads possess authority to independently hire, transfer, suspend, lay off, recall, promote, discharge, reward, or adjust the grievances of other employees. Rather, the Employer asserts that the leads are statutory supervisors based on their authority to assign work to and responsibly direct other employees; their involvement in discipline including effectively recommending discipline of other employees; their involvement in hiring and discharge including new-hire training resulting in effectively recommending continued hiring or discharge of other employees; and other secondary indicia of supervisory status.

1. Assignment of Work

The Board in *Oakwood* defined assigning work as "the act of designating an employee to a place (such as a location, department, or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant overall duties, i.e., tasks, to an employee." *Oakwood*, 348 NLRB at 689. Consistent with *Kentucky River*, the *Oakwood* Board adopted an interpretation of "independent judgment" that applies to any supervisory function at issue "without regard to whether the judgment is exercised using professional or technical expertise." *Id.* at 692. The Board explained that "professional or technical judgments involving the use of independent judgment are supervisory if they involve one of the 12 supervisory functions of

Section 2(11).” *Id.* The Board then set forth standards governing whether the exercise of the Section 2(11) acts are carried out with independent judgment: “actions form a spectrum between the extremes of completely free actions and completely controlled ones, and the degree of independence necessary to constitute a judgment as ‘independent’ under the Act lies somewhere in between these extremes.” *Id.* at 693. The Board found that the relevant test for supervisory status utilizing independent judgment is that “an individual must at minimum act, or effectively recommend action, *free of the control of others* and form an opinion or evaluation by discerning and comparing data.” *Id.* (emphasis added). Further, the judgment must involve a degree of discretion that rises above the “routine or clerical.” *Id.*

Regarding the element of place, there is no record evidence about the kitchen lead and bar lead assigning employees to specific areas. This is because the kitchen employee works exclusively in the kitchen/back of the house and the baristas and cashiers work exclusively in the coffee bar/front of the house – such assignments are based on the nature of their job duties. The record does not indicate that certain baristas are capable of running certain coffee makers and/or espresso machines such that there is any difference in the skills of the baristas. Thus, the record does not disclose assignments by the leads with respect to place which requires them to use judgment involving a degree of discretion that rises above the “routine or clerical” as contemplated in *Oakwood*. *Id.*

As to the element of time, there is no record evidence or claim that the leads are involved in or have any authority regarding the scheduling or schedule changes of any employees. Rather, all scheduling matters are handled by Café Coordinator Beesley. The Employer has not established any exercise of supervisory authority regarding the scheduling of other employees. See, *Golden Crest*, 348 NLRB at 728-730 (2006). Thus, the record does not support that the leads appoint employees to a time as contemplated by *Oakwood*.

With respect to the element of duties, the Employer argues that kitchen lead Kiefer uses independent judgment in assigning and directing the duties and tasks of kitchen employee Wiberg. Although there is some limited record evidence without detail that recently the kitchen staff schedules were adjusted to provide some overlap for kitchen lead Kiefer to oversee kitchen employee Wiberg in the kitchen, the more detailed record evidence demonstrates that Kiefer does not even work in the kitchen on the same days as Wiberg, with Kiefer working in the kitchen Thursday to Saturday and Wiberg working Sunday to Wednesday.²³ In that event, there is little, if any, opportunity for Kiefer to interact at all with Wiberg and oversee her work and provide instruction. At any rate, the record does not demonstrate that Wiberg possesses any specific training or skills to operate kitchen appliances or utilize utensils necessary for performing her baking and cooking duties. While kitchen lead Kiefer may advise Wiberg regarding baked goods and food items that need to be made, she does not perform any detailed analysis with a degree of independence necessary to constitute independent judgment of

²³As previously noted, Kiefer testified that with more recent schedule changes, she and Wiberg overlap about four hours on Wednesdays; however, Kiefer works the cash register at the front of the house and not in the kitchen during this time.

Wiberg's abilities in relation to food production needs.²⁴ Wiberg, herself, is able to determine which food items need to be replenished and made based on existing food supply levels.²⁵

The Employer also argues that bar lead Achter uses independent judgment in assigning and directing the duties and tasks of the baristas and cashiers. However, the record likewise demonstrates that the baristas and cashiers do not possess any specific training or skills to operate the coffee makers, espresso machines, or cash registers, or to handle customer transactions necessary to perform their duties. The record overall demonstrates that the all of these employees' assignments are routine in nature and based on their title, rather than any particular expertise, and the evidence is insufficient that the direction provided to them by the leads requires the use of independent judgment or involves a "degree of discretion that rises above routine or clerical." *Oakwood*, 348 NLRB at 693.²⁶

2. Responsible Direction

For direction to be responsible, the person directing must have oversight of another's work and be accountable for the other's performance. To establish accountability, it must be shown that the putative supervisor is empowered to take corrective action, *and* that there is a "prospect of adverse consequences" for others' deficiencies. *Community Education Centers, Inc.*, 360 NLRB 85-86 (2014); *Oakwood*, 348 NLRB at 691-692, 695.

As noted earlier, based on what appears to be differing work schedules, Kiefer and kitchen employee Wiberg appear to have little, if any, interaction. Thus, there is little, if any, opportunity for Kiefer to direct and oversee Wiberg's work, let alone be held accountable for her work deficiencies. With regard to bar lead Achter, the record evidence establishes that she is largely in charge of day-to-day direction of the baristas and cashiers in the front of the house. There is also some record evidence establishing that Kiefer and Achter oversee café employees to ensure that café rules and standards are being followed and have provided feedback to upper management regarding the deficient performance of other employees. The Employer specifically argues that bar lead Achter's direction of front staff to determine who will go from the front of the house to the kitchen to heat a sandwich and return to the front constitutes "direction of staff for job tasks during shifts [which] is 'responsible direction' under Section 2(11)." However, the

²⁴ In its brief, the Employer argues that its documentary evidence conveys that the kitchen lead "assign[s] 'to do' tasks to members of leadership." However, the relevant analysis for finding authority to assign to be supervisory is based on the purported supervisor's assignments to non-supervisory employees, not members of management. To the extent that the Employer argues that kitchen lead Kiefer's collaboration with undisputed supervisors/managers about dividing tasks among themselves for the launching the new food program confers supervisory status on Kiefer, I do not find this to constitute evidence of Kiefer's supervisory status.

²⁵ The Employer argues that the bakery waste spreadsheet created by Kiefer and shared with kitchen staff impacts the bakery production schedule and contains assignments of work. As noted, the actual spreadsheet was not introduced into evidence. At any rate, beyond conclusory statements, the record does not describe any assignments made by Kiefer to kitchen staff based on the spreadsheet.

²⁶ I further find that the leads' authority to purchase supplies on the Employer's credit does not appear to involve any significant exercise of independent judgment of the type involved in assessing supervisory status, and moreover, this function is not included in the enumerated list of supervisory indicia found in Section 2(11). *Health Care Logistics, Inc.*, 273 NLRB 822, 824 (1984). Nor does their role in occasional product development resulting in routine assignments constitute evidence of supervisory status.

Employer has not established that either Kiefer or Achter are *accountable* for their actions in directing the café employees. Neither lead has suffered any adverse consequences such as discipline concerning the deficient performance of any employees. Additionally, there is no evidence that Café Coordinator Beesley or anyone else in management has advised Kiefer or Achter they will or even may be subject to consequences themselves concerning deficiencies and errors of the café employees. I do not agree with the Employer's argument that record evidence showing that Kiefer's failure to correct other employees' deficiencies "could" result adverse consequences toward Kiefer is sufficient to demonstrate a "*prospect* of adverse consequences" as contemplated by the Board in *Golden Crest*, 348 NLRB at 731. In *Golden Crest*, while the Board found sufficient evidence to establish that charge nurses "directed" certified nursing assistants (CNAs), it found no evidence of "actual or prospective consequences to charge nurses' terms and conditions of employment" to establish accountability. *Id.* To the extent that kitchen lead Kiefer has provided feedback to management related to the performance of kitchen employee Wiberg, the Employer's argument that such feedback could be used in the future to discipline Wiberg, possibly resulting in additional adverse consequences to Kiefer as well, is conclusory and speculative and does not demonstrate Kiefer is accountable for Wiberg's performance. In sum, the overall record does not demonstrate that the Employer has *actually* held the leads accountable or has imparted clear and formal notice to the leads that they will be held accountable for the job performance of any employees. See, *Golden Crest*, *supra* at 731. Thus, I find that the Employer has not met its burden to establish that the leads responsibly direct employees as contemplated by *Oakwood*.²⁷

3. Discipline

Regarding the disciplinary authority of the leads, under Section 2(11) of the Act, individuals are statutory supervisors if they have the authority, in the interest of the employer, to discipline employees or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. *Oakwood*, 348 NLRB at 687. While acknowledging that they have not issued discipline to any staff, the Employer argues that in overseeing café employees and making sure they are following established rules and standards, the leads are involved in the discipline procedure and possess authority and use independent judgment to discipline and effectively recommend discipline of café employees. Specifically, pertaining to kitchen lead Kiefer, the Employer argues in its brief that its documentary evidence conveys that the kitchen lead "engage[s] in corrective performance plans with kitchen staff." However, the record does not support the Employer's argument. To the extent that Kiefer and Culinary Manager Sandbeck discussed kitchen employee Wiberg's performance issues in relation to the new food program and their concern about whether Wiberg could perform her duties efficiently given past performance issues, this does not constitute the imposition of any adverse action by Kiefer. Rather, the record evidence more clearly demonstrates Sandbeck's intentions in "brainstorming"

²⁷ The Employer also references *NLRB v. Quinnipiac College*, 256 F.3d 68, 77 (2nd Cir. 2001) to support its position that the leads herein, like the shift supervisors therein, are responsible to take action based on their judgment and specialized knowledge to see that others are doing what is required of them. However, in *NLRB v. Quinnipiac*, the Court specifically noted documentary evidence of reprimands showing that shift supervisors were reprimanded for the actions of other employees and further advised of their responsibilities with regard to ensuring that employees are following the rules. There is no such evidence of accountability present in this case.

ideas with Kiefer as well as Beesley for ways to train Wiberg and improve her performance. There is no record evidence that any of Kiefer's feedback about Wiberg's performance has resulted in the issuance of any discipline or other adverse action to Wiberg or has been incorporated into any of her employee performance reviews. The Employer further argues that as a result of Kiefer raising concerns and providing feedback about Wiberg's performance, it is addressing Wiberg's performance as a disciplinary matter. The Employer asserts this constitutes an effective recommendation of discipline by Kiefer as contemplated by the Board in *NLRB v. Beacon Light Christian Nursing Home*, 825 F.2d 1076, 1079 (1987). In *NLRB v. Beacon Light*, the Court found "clear evidence that the [purported supervisors] were responsible for evaluation and discipline. The counseling forms became a part of the employee's personnel record. The [purported supervisors] were expected and encouraged to use them routinely. Three or four such citations could result in formal disciplinary action including discharge, suspension or demotion...." *Id.* at 1079. Here, there is no such evidence demonstrating the leads' involvement in the disciplinary process for any employees – there is no evidence that Café Coordinator Beesley, former manager Lucey, or anyone else in management has at any time relied on the judgment of the leads in relation to disciplinary matters. The record is absent of any evidence demonstrating that Wiberg has been disciplined at any time regarding her performance despite that her performance issues have been ongoing since shortly after her hiring.²⁸ Moreover, the Board has clearly stated that talking to employees about their conduct, performance or attitude *and reporting such matters to management* does not constitute the imposition of discipline or the effective recommendation of discipline. *Los Angeles Water and Power Employees' Association*, 340 NLRB 1232, 1234 (2003) (emphasis added). See also, *Illinois Veterans Home At Anna L.P.*, 323 NLRB 890, 890-891(1997) and *Ten Broeck Commons*, 320 NLRB 806, 812 (1996) (the mere exercise of a reporting function that does not automatically lead to further discipline or adverse action against an employee does not establish supervisory authority).

Based on the above, I find that neither bar lead Achter or kitchen lead Kiefer possess the authority to discipline or effectively recommend discipline using independent judgment.

4. Hiring and Firing

The Employer does not claim that the leads possess supervisory authority to independently initially hire or to fire other employees. Rather, the Employer asserts that the leads' involvement in new-hire training during a three to four-week shadow period and recommending, or not recommending, a new employee for independent shifts constitutes effective recommendation of *continued* hiring/employment or discharge of café employees.

The Board analyzes supervisory status by determining whether an individual's hiring recommendations are in fact *effective*. Accordingly, the Board examines the amount of weight the employer affords the recommendation. See, *USF Reddaway, Inc.*, 349 NLRB 329, 340 (2007). An individual does not "effectively recommend hiring" unless there was "delegated authority to participate in the hiring process" and not merely an employer's respect for an individual's opinion on an applicant. See, *Plumbers Local 195*, 237 NLRB 1099, 1102 (1978).

²⁸ The record is not clear whether the performance plan issued to Wiberg by Lucey, prior to Kiefer becoming a lead, was a form of discipline.

In *California State Automobile Association*, 181 NLRB 797, 800, fn. 8 (1970), in finding a sales supervisor to be a statutory supervisor, I acknowledge that the Board considered the supervisor's exercise of discretion "in determining whether a salesmen's training shall end or continue and the nature of the training process." However, in that case the Board found significant additional record evidence supported a finding supervisory status. In this regard, the Board found that training reports written by the sales supervisor about the progress of sales employees were substantially relied on and that the supervisor sat in with management on disciplinary proceedings and "voted" to discharge other employees. The Board also noted secondary factors supporting supervisory status including an absence of work by the supervisor similar to the sales employees and the supervisor's salary versus hourly wage rate. *Id.* In *Empress Casino Joliet Corporation*, 204 F.3d 719 (7th Cir. 2000), cited by the Employer, the Court found that captains, first mates, and chief engineers of riverboat gambling casinos were statutory supervisors based on their recommendations to hire and fire. The supervisors therein interviewed job applicants and recommended them for hiring and their recommendations were heavily relied on by upper management and carried "a great deal of weight." *Id.* at 721.

Here, the record is absent of the breadth of evidence comparable to that in *California State Automobile Association* and/or *Empress*. The Employer specifically points to one example concerning Achter's training of a newly hired barista in January. The Employer does not claim that Achter was involved in the initial hiring of this barista. Achter provided feedback to former Manager Lucey about the progress of the training and the new employee's performance and readiness to be assigned independently. In one email from Achter to Lucey, Achter commented: "[he] did better than I expected" and "I think he'll be a solid barista with s'more practice!" In another email four days later, from Lucey to Achter, Lucey acknowledged his own observations of the barista's progress in training specifically advising Achter that the new employee "needs to keep gaining experience, it's the consistency I'd like to see more of..." There is no additional record evidence of any recommendation thereafter made by Achter with regard to the retention of the barista and the record does not support the Employer's assertion in this regard. To the extent that Achter trained the barista and assessed his skills towards working independently does not rise to the level of an effective recommendation to retain, or not retain, the barista. I further note that in his email to Achter, Lucey directed Achter to continue training the employee and, specifically, to "[e]ventually...have him go through a set of ten or so drinks, weighing, temping and timing each one..." Undoubtedly, Achter possesses great technical experience as a barista and, not surprisingly, Lucey valued Achter's judgment in regard to whether new-hire baristas had the requisite barista experience and knowhow to work independently. However, providing assessments of such nature does not amount to effectively recommending hiring and does not confer supervisory status where the record evidence is clear that any recommendation by Achter was limited to confirming technical abilities and there is no evidence that Achter had any "veto" power over hires. *The Republican Company*, 361 NLRB 93, 98 (2014) (other citations omitted). The record simply does not support the Employer's position stated in its brief that "Achter was the sole voice that provided approval before any individual was given shifts at the bar [and his] role in providing not only 'effective recommendations' but serving as the 'gatekeeper' of those

individuals who wish to be hired as baristas at the bar qualifies as a supervisory authority under Section 2(11).”²⁹

The Employer here has not sustained its burden of demonstrating that the leads effectively recommend the hiring or discharge of other employees.

5. Other Secondary Indicia

While the Board has held that secondary indicia can be a factor in establishing supervisory status, it is well established that where putative supervisors are not shown to possess any of the primary supervisory indicia, secondary indicia alone are insufficient to establish supervisory status. *Golden Crest*, 348 NLRB at 730, fn. 10; *Ken-Crest Services*, 335 NLRB 777, 779 (2001).

The Employer submitted into evidence the leads’ amended job descriptions and argues they purport to designate them as supervisors. The two job descriptions are, for the most part, identical. Other than referencing their responsibility to “lead staff” there are no other references to any supervisory indicia. The Employer’s argument that its intentions in creating the lead positions were, in part, to ascribe additional supervisory authority is not supported by the evidence. At any rate, the Board has held that job descriptions, without more, do not establish actual supervisory authority. *Training School at Vineland*, 332 NLRB at 1416 (“Job descriptions or other documents suggesting the presence of supervisory authority are not given controlling weight. The Board insists on evidence supporting a finding of actual as opposed to mere paper authority.”). It is well settled that job descriptions without more are not controlling to establish supervisory status. *K.G. Knitting Mills*, 320 NLRB 374 (1995). See also, *Hawaiian Telephone*, 186 NLRB 1, 2 (1970) (Although the Employer enlarged the responsibilities of the job at issue and devised a new title, the Board found that the additional responsibilities were not such as to confer supervisory authority and the position of traffic supervisor appeared to be that of a work leader.) Additionally, it is questionable whether the amended job descriptions were disseminated to either lead as one lead testified the version she received was not the amended version in evidence and the record is unclear as to which version the other lead received.

Other secondary indicia advanced by the Employer is similarly not compelling. There is no record evidence that the leads participate in any evaluation procedures for café employees or that the feedback they provide about employees is incorporated into any employee performance reviews. The leads involvement in training new employees in café operations as well as training regular established employees in new products does not support supervisory authority where the record demonstrates that seasoned employees similarly conduct the same training. The Board has frequently found that employees with training or instructional duties are not supervisors within the meaning of the Act. See, *The Washington Post Co.*, 242 NLRB 1079, 1083 fn. 15 (1979) (citing *House of Mosaics*, 215 NLRB 704, 712 (1974) (“having the responsibility of training new employees does not invest employees with supervisory authority within the meaning of the Act.”). The leads’ anticipated involvement in attending LT meetings one time

²⁹ Lucey’s testimony at the hearing that since December 2019, has trained and “approved” three to four newly hired employees for continued employment was supported by one specific example which I have addressed.

per month is also not supportive of supervisory status where the record establishes that none of the leads have attended any LT meetings to date. I also note that although there are times when the leads are the highest-ranking officials on café premises, there are also occasions when the other petitioned-for employees are left without any supervision at the café.³⁰ Finally, while it is not the province of the Board to determine the ‘proper’ number of supervisors,³¹ I note that if the kitchen lead and bar lead are found to be supervisors, overall there would be three supervisors for approximately five café employees. Separating operations in the front of the house/coffee bar from back of the house/kitchen, there would be two supervisors in the front (Café Coordinator Beesley and bar lead Achter) for four employees (three baristas and one cashier) and two supervisors in the back (Café Coordinator Beesley and kitchen lead Kiefer) for one kitchen employee. Almost 38 percent of the café staff of eight employees would be supervisory. This is an unusually top-heavy ratio. *Oakwood Healthcare*, 348 NLRB at 715-716; *Airkaman, Inc.*, 230 NLRB 924, 926 (1977) (one to three ratio is unrealistic and excessively high); *Beverly California Corporation v. NLRB*, 970 F.2d 1548, 1555-1556 (6th Cir. 1992) (classifying 25% of nursing home staff as supervisors makes ranks of supervisors “pretty populous”); *NLRB v. Res-Care, Inc.*, 705 F.2d 1461, 1468 (7th Cir. 1983) (33% found to be high).

CONCLUSION

Based upon the record, it is concluded that the evidence is insufficient to establish that any of the petitioned-for employees are supervisors within the meaning of Section 2(11) of the Act and thus they are eligible to vote in the election.

Based on the foregoing, I conclude that the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time employees employed by the Employer’s café currently located at 232 E. Erie St., Milwaukee, Wisconsin 53202.

Excluded: Café coordinator, managerial employees, confidential employees, guards and supervisors as defined by the Act.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by TEAMSTERS LOCAL 344, SALES AND SERVICE INDUSTRY.

³⁰ In this age of instantaneous communication, not all supervisors need be present every minute in the workplace that they are supervising. *Children's Habilitation Center, Inc. v. NLRB*, 887 F.2d 130, 133 (7th Cir.1989); *Beverly Enterprises v. NLRB*, 148 F.3d 1042, 1048 (8th Cir.1998).

³¹ *Phelps Community Medical Center*, 295 NLRB 486, 492 fn. 16 (1999)

A. Election Details

I direct that the election be conducted by mail ballot.³²

The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit by personnel of the National Labor Relations Board, Subregion 30, on November 25, 2020 at 4:30 p.m.³³ Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Subregion 30 office by December 3, 2020 in order to arrange for another mail ballot kit to be sent to that employee.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Subregion 30 office, by close of business, 4:30 p.m., on December 11, 2020. The mail ballots will be commingled and counted at the Subregion 30 office located at 310 West Wisconsin Avenue, Suite 450W in Milwaukee, Wisconsin at 2:00 p.m. on December 16, 2020.

To ensure the safety of the Board agent and the public, the count shall be conducted virtually. Additional instructions will follow.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **November 14, 2020**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

³² The parties are in agreement that a mail election is appropriate in this matter.

³³ The Union waived all ten days of the ten-day eligibility list period.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **November 23, 2020**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the

election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency's web site (www.nlrb.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Although neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board, all ballots will be impounded where a request for review of a pre-election decision and direction of election is filed within 10 business days after issuance of the decision, if the Board has not already ruled on the request and therefore the issue under review remains unresolved. Nonetheless, parties retain the right to file a request for review at any subsequent time until 10 business days following final disposition of the proceeding, but without automatic impoundment of ballots.

Dated: November 19, 2020

/s/ Jennifer A. Hadsall

JENNIFER A. HADSALL, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 18 - Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Attachment